

By Senator Benacquisto

27-00873B-12

20121718

1                                   A bill to be entitled  
2           An act relating to parent empowerment in education;  
3           amending s. 1001.10, F.S.; conforming a cross-  
4           reference; amending s. 1002.20, F.S.; providing the  
5           right of parents of public school students who are  
6           assigned to certain underperforming schools to direct  
7           the school district to implement a specified option  
8           for school improvement; providing the right of a  
9           parent to be informed of the performance evaluation  
10          rating of each instructional personnel assigned to his  
11          or her child; providing the right of a parent to be  
12          notified if his or her child is assigned to certain  
13          teachers and of the availability of virtual  
14          instruction; amending s. 1002.32, F.S.; correcting a  
15          cross-reference; creating s. 1003.07, F.S.; creating  
16          the Parent Empowerment Act; providing criteria for a  
17          petition by parents requesting a specified school  
18          improvement option to be submitted to the State Board  
19          of Education for approval; requiring that the district  
20          school board notify parents of their right to select a  
21          school improvement option; requiring that the State  
22          Board of Education adopt rules; amending s. 1008.33,  
23          F.S.; requiring that a school district submit to the  
24          State Board of Education a plan implementing the  
25          school improvement option selected by parents in lieu  
26          of the school district school improvement option;  
27          amending s. 1012.2315, F.S.; requiring that each  
28          district school board implement an assistance plan for  
29          out-of-field teachers; requiring that the district

27-00873B-12

20121718

30 school board require an out-of-field teacher to  
31 participate in certain programs; requiring that the  
32 school district notify the parent of each student  
33 assigned to an out-of-field classroom teacher;  
34 requiring that the notice inform the parent of the  
35 option to enroll the student in virtual instruction;  
36 requiring that a district school superintendent, upon  
37 request, provide a parent with performance evaluation  
38 data of each instructional personnel assigned to the  
39 child; requiring that a school district notify the  
40 parent of each student assigned to an underperforming  
41 classroom teacher; requiring that the notice inform  
42 the parent of the option to enroll the student in  
43 virtual instruction; prohibiting the consecutive  
44 assignment of students to teachers who receive an  
45 annual performance evaluation rating of needs  
46 improvement or unsatisfactory; repealing s. 1012.42,  
47 F.S., relating to teachers teaching out-of-field;  
48 providing an effective date.

49  
50 Be It Enacted by the Legislature of the State of Florida:

51  
52 Section 1. Subsection (3) of section 1001.10, Florida  
53 Statutes, is amended to read:

54 1001.10 Commissioner of Education; general powers and  
55 duties.—

56 (3) To facilitate innovative practices and to allow local  
57 selection of educational methods, the State Board of Education  
58 may authorize the commissioner to waive, upon the request of a

27-00873B-12

20121718

59 district school board, State Board of Education rules that  
60 relate to district school instruction and school operations,  
61 except those rules pertaining to civil rights, and student  
62 health, safety, and welfare. The Commissioner of Education is  
63 not authorized to grant waivers for any provisions in rule  
64 pertaining to the allocation and appropriation of state and  
65 local funds for public education; the election, compensation,  
66 and organization of school board members and superintendents;  
67 graduation and state accountability standards; financial  
68 reporting requirements; reporting of out-of-field teaching  
69 assignments under s. 1012.2315(5) ~~1012.42~~; public meetings;  
70 public records; or due process hearings governed by chapter 120.  
71 No later than January 1 of each year, the commissioner shall  
72 report to the Legislature and the State Board of Education all  
73 approved waiver requests in the preceding year.

74 Section 2. Paragraph (d) is added to subsection (21) of  
75 section 1002.20, Florida Statutes, and subsections (24) and (25)  
76 are added to that section, to read:

77 1002.20 K-12 student and parent rights.—Parents of public  
78 school students must receive accurate and timely information  
79 regarding their child's academic progress and must be informed  
80 of ways they can help their child to succeed in school. K-12  
81 students and their parents are afforded numerous statutory  
82 rights including, but not limited to, the following:

83 (21) PARENTAL INPUT AND MEETINGS.—

84 (d) Parent empowerment.—Parents of public school students  
85 who are assigned to a low-performing school, as described in s.  
86 1008.33, have the right to direct the school district to  
87 implement a specified school improvement option at the school,

27-00873B-12

20121718

88 in accordance with ss. 1003.07 and 1008.33.

89 (24) PERSONNEL EVALUATION REPORTS.—The parent of a public  
90 school student has the right to be informed of the performance  
91 evaluation rating of each instructional personnel assigned to  
92 his or her child. Upon request by the parent of a public school  
93 student, the district school superintendent shall provide the  
94 parent with the performance evaluation data collected pursuant  
95 to s. 1012.34(3) for each instructional personnel assigned to  
96 his or her child in accordance with ss. 1012.2315, 1012.31, and  
97 1012.34.

98 (25) ASSIGNMENT TO TEACHERS.—

99 (a) The parent of a public school student has the right to  
100 be notified, pursuant to s. 1012.2315(5), if his or her child is  
101 assigned to a classroom teacher who is teaching out-of-field and  
102 that virtual instruction from a certified in-field teacher is  
103 available.

104 (b) The parent of a public school student has the right to  
105 be notified, pursuant to s. 1012.2315(7), if his or her child is  
106 assigned to a classroom teacher who, under s. 1012.34, has  
107 received two consecutive annual performance evaluation ratings  
108 of unsatisfactory, two annual performance evaluation ratings of  
109 unsatisfactory within a 3-year period, or three consecutive  
110 annual performance evaluation ratings of needs improvement or a  
111 combination of needs improvement and unsatisfactory and that  
112 virtual instruction from a teacher with a performance evaluation  
113 rating of effective or highly effective under s. 1012.34 is  
114 available.

115 Section 3. Paragraph (c) of subsection (7) of section  
116 1002.32, Florida Statutes, is amended to read:

27-00873B-12

20121718

117 1002.32 Developmental research (laboratory) schools.-

118 (7) PERSONNEL.-

119 (c) Lab school faculty members shall meet the certification  
120 requirements of s. ss. 1012.32 and 1012.42.

121 Section 4. Section 1003.07, Florida Statutes, is created to  
122 read:

123 1003.07 The Parent Empowerment Act.-

124 (1) This section may be cited as the "Parent Empowerment  
125 Act."

126 (2) (a) If more than one-half of the parents of students  
127 attending an elementary school, middle school, or high school or  
128 more than one-half of a combination of the parents of students  
129 attending a middle school or high school and the parents of  
130 students attending an elementary school or middle school who  
131 normally matriculate into that middle school or high school, as  
132 applicable, sign and date a petition requesting the  
133 implementation of one of the school improvement options  
134 described in s. 1008.33(5), the school district must submit a  
135 plan implementing that option in lieu of the school district's  
136 option to the State Board of Education for approval.

137 1. Only one parent per student may sign a petition, but a  
138 parent who has students in both a feeder school and the school  
139 subject to the petition may sign the petition for a student in  
140 each school.

141 2. A parent must date the petition on the day it is signed.

142 (b) The district school board must notify the parent of  
143 each student attending a low-performing school as described in  
144 s. 1008.33 of his or her right to select the school improvement  
145 option to be implemented at the school the following school

27-00873B-12

20121718

146 year. The notification must be made in writing and must include  
147 a description of each of the school improvement options  
148 available, the process for submitting a petition requesting the  
149 implementation of a school improvement option, and the date of  
150 the next regularly scheduled school board meeting.

151 (3) By July 1, 2013, the State Board of Education shall  
152 adopt rules pursuant to ss. 120.536(1) and 120.54 to administer  
153 this section.

154 Section 5. Paragraph (a) of subsection (5) of section  
155 1008.33, Florida Statutes, is amended to read:

156 1008.33 Authority to enforce public school improvement.—

157 (5) (a) In the school year after a school is initially  
158 identified as a school in the lowest-performing category, the  
159 school district must submit a plan, which is subject to approval  
160 by the State Board of Education, for implementing one of the  
161 following options at the beginning of the next school year. The  
162 plan must be implemented unless the school moves from the  
163 lowest-performing category:

164 1. Convert the school to a district-managed turnaround  
165 school by means that include implementing a turnaround plan  
166 approved by the Commissioner of Education which shall become the  
167 school's improvement plan;

168 2. Reassign students to another school and monitor the  
169 progress of each reassigned student;

170 3. Close the school and reopen the school as one or more  
171 charter schools, each with a governing board that has a  
172 demonstrated record of effectiveness; or

173 4. Contract with an outside entity that has a demonstrated  
174 record of effectiveness to operate the school.

27-00873B-12

20121718

175  
176 If the school district receives a request to implement a school  
177 improvement option selected by parents through a petition under  
178 s. 1003.07, the school district must submit a plan implementing  
179 the option the parents have selected in lieu of the school  
180 district option to the State Board of Education for approval.

181 Section 6. Section 1012.2315, Florida Statutes, is amended  
182 to read:

183 1012.2315 Assignment of teachers.—

184 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds  
185 disparities between teachers assigned to teach in a majority of  
186 schools that do not need improvement and schools that do need  
187 improvement pursuant to s. 1008.33. The disparities may be found  
188 in the assignment of temporarily certified teachers, teachers in  
189 need of improvement, and out-of-field teachers and in the  
190 performance of the students. It is the intent of the Legislature  
191 that district school boards have flexibility through the  
192 collective bargaining process to assign teachers more equitably  
193 across the schools in the district.

194 (2) ASSIGNMENT TO SCHOOLS CATEGORIZED AS IN NEED OF  
195 IMPROVEMENT.—School districts may not assign a higher percentage  
196 than the school district average of temporarily certified  
197 teachers, teachers in need of improvement, or out-of-field  
198 teachers to schools in one of the three lowest-performing  
199 categories under s. 1008.33(3)(b). Each school district shall  
200 annually certify to the Commissioner of Education that this  
201 requirement has been met. If the commissioner determines that a  
202 school district is not in compliance with this subsection, the  
203 State Board of Education shall be notified and shall take action

27-00873B-12

20121718

204 pursuant to s. 1008.32 in the next regularly scheduled meeting  
205 to require compliance.

206 (3) SALARY INCENTIVES.—District school boards may ~~are~~  
207 ~~authorized to~~ provide salary incentives to meet the requirement  
208 of subsection (2). A district school board may not sign a  
209 collective bargaining agreement that precludes the school  
210 district from providing sufficient incentives to meet this  
211 requirement.

212 (4) COLLECTIVE BARGAINING.—Notwithstanding provisions of  
213 chapter 447 relating to district school board collective  
214 bargaining, collective bargaining provisions may not preclude a  
215 school district from providing incentives to high-quality  
216 teachers and assigning such teachers to low-performing schools.

217 (5) ASSISTANCE TO OUT-OF-FIELD TEACHERS.—

218 (a) Each district school board shall implement by rule an  
219 assistance plan to assist a teacher who is teaching out-of-field  
220 and to give priority consideration in professional development  
221 activities to that teacher. The district school board shall  
222 require that a teacher who is teaching out-of-field participate  
223 in a certification or staff development program designed to  
224 provide the teacher with the competencies required for the  
225 assigned duties. The board-approved assistance plan shall  
226 include duties of administrative personnel and other  
227 instructional personnel to assist a teacher who is teaching out-  
228 of-field in providing instructional services to students.

229 (b) The school district shall notify in writing the parent  
230 of each student who is assigned to a classroom teacher who is  
231 teaching subject matter that is:

232 1. Outside the field in which the teacher is certified;



27-00873B-12

20121718

233 2. Outside the field that was the teacher's minor field of  
234 study; or

235 3. Outside the field in which the teacher has demonstrated  
236 sufficient subject area expertise, as determined by district  
237 school board policy in the subject area to be taught.

238  
239 The notice must inform the parent that virtual instruction from  
240 a certified in-field teacher is available to his or her child  
241 through the virtual instruction options listed under s.  
242 1002.321(4).

243 (6) ~~(5)~~ REPORT.—

244 ~~(a)~~ By July 1, 2012, the Department of Education shall  
245 annually report on its website, in a manner that is accessible  
246 to the public, the performance rating data reported by district  
247 school boards under s. 1012.34. The report must include the  
248 percentage of classroom teachers, instructional personnel, and  
249 school administrators receiving each performance rating  
250 aggregated by school district and by school. Upon the request of  
251 a parent, a district school superintendent shall provide the  
252 parent with the performance evaluation data collected pursuant  
253 to s. 1012.34(3) for each instructional personnel assigned to  
254 his or her child.

255 (7) ASSIGNMENT OF TEACHERS BASED ON PERFORMANCE  
256 EVALUATIONS.—

257 (a) ~~(b)~~ Notwithstanding the provisions of s.  
258 1012.31(3)(a)2., each school district shall annually report to  
259 the parent of any student who is assigned to a classroom teacher  
260 or school administrator having two consecutive annual  
261 performance evaluation ratings of unsatisfactory under s.

27-00873B-12

20121718\_\_

262 1012.34, two annual performance evaluation ratings of  
263 unsatisfactory within a 3-year period under s. 1012.34, or three  
264 consecutive annual performance evaluation ratings of needs  
265 improvement or a combination of needs improvement and  
266 unsatisfactory under s. 1012.34. The notice must inform the  
267 parent that virtual instruction from a teacher with a  
268 performance evaluation rating of highly effective or effective  
269 under s. 1012.34 is available to his or her child through the  
270 virtual instruction options listed under s. 1002.321(4).

271 (b) If a student has been assigned to a teacher who for  
272 that school year receives a performance evaluation rating of  
273 needs improvement or unsatisfactory under s. 1012.34, the  
274 student may not be assigned the following school year to a  
275 teacher who received a performance evaluation rating of needs  
276 improvement or unsatisfactory under s. 1012.34 for the  
277 immediately preceding school year. This paragraph applies to any  
278 teacher subject to the performance evaluation requirements under  
279 s. 1012.34.

280 Section 7. Section 1012.42, Florida Statutes, is repealed.

281 Section 8. This act shall take effect July 1, 2012.